

# SENATE JOURNAL OF THE IDAHO LEGISLATURE

SECOND REGULAR SESSION  
FIFTY-NINTH LEGISLATURE

THIRTY-THIRD LEGISLATIVE DAY  
FRIDAY, FEBRUARY 8, 2008

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Davis and Jorgenson, absent and formally excused by the Chair; and Senators Cameron, Coiner, Corder, Pearce, and Stennett, absent and excused.

Prayer was offered by Senator Hill.

The Pledge of Allegiance was led by Travis Nicholson, Page.

Senators Cameron, Corder, and Stennett were recorded present at this order of business.

The Senate advanced to the Third Order of Business.

## Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 7, 2008, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

## Petitions, Resolutions and Memorials

### SCR 127

#### BY EDUCATION COMMITTEE A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND  
AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT  
AN INTERIM COMMITTEE TO STUDY SPECIFIC ISSUES  
RELATED TO TEACHER SALARIES IN IDAHO.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the education of our children is a top priority with Idaho's citizens; and

WHEREAS, improved student achievement in Idaho's schools is an important objective; and

WHEREAS, top quality teachers are the most important element of top quality schools; and

WHEREAS, the Legislature finds that the recruitment and retention of highly qualified teachers is of utmost importance; and

WHEREAS, teacher salaries are important to the recruitment and retention of highly qualified teachers; and

WHEREAS, there exists conflicting information on the relative standing of Idaho teachers' total compensation as compared to that in competing states and professions; and

WHEREAS, there exists a need to identify mechanisms to provide economic incentives for professional development and retention of our best teachers; and

WHEREAS, there exists a need to identify incentives to attract teachers to hard-to-staff schools and fields of expertise for which shortages exist, such as mathematics.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Fifty-ninth Idaho Legislature, the Senate and the House of Representatives concurring therein, that the Legislative Council is authorized to appoint an Interim Committee to study issues related to public school teacher salaries in Idaho, including mechanisms to provide economic incentives for professional development and retention of our best teachers and incentives to attract teachers to hard-to-staff schools and fields of expertise for which shortages exist. The Legislative Council shall authorize the Interim Committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED, that the Legislative Council appoint not fewer than four members of the Senate and four members of the House of Representatives to serve on the Interim Committee.

BE IT FURTHER RESOLVED, that nonlegislative members from those education organizations that are most directly affected by policy changes affecting teacher salaries may be appointed by the cochairs who are appointed by the Legislative Council. Such nonlegislative members of the Interim Committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the Interim Committee's recommendation or proposed legislation.

BE IT FURTHER RESOLVED, that the Interim Committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixtieth Idaho Legislature.

SCR 127 was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

## Reports of Standing Committees

February 8, 2008

The JUDICIARY AND RULES Committee reports that S 1383, S 1384, S 1385, S 1386, and SCR 126 have been correctly printed.

DARRINGTON, Chairman

S 1383 was referred to the Judiciary and Rules Committee.

**S 1384** and **S 1386** were referred to the Health and Welfare Committee.

**S 1385** was referred to the Local Government and Taxation.

**SCR 126** was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 7, 2008

The JUDICIARY AND RULES Committee reports that **SJM 108** has been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled **SJM 108** and ordered it transmitted to the House for the signature of the Speaker.

February 7, 2008

The HEALTH AND WELFARE Committee reports out **S 1377** with the recommendation that it do pass.

LODGE, Chairman

**S 1377** was filed for second reading.

February 7, 2008

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1252** with the recommendation that it do pass.

ANDREASON, Chairman

**S 1252** was filed for second reading.

February 7, 2008

The EDUCATION Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Richard Westerberg to the State Board of Education, term to expire March 1, 2009.

GOEDDE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

February 8, 2008

The STATE AFFAIRS Committee reports it has had under consideration the Gubernatorial appointment listed below and the Committee recommends that said appointment be confirmed by the Senate:

Mike Gwartney as Director of the Department of Administration, term to expire at the pleasure of the Governor.

McKENZIE, Chairman

The Gubernatorial appointment was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

### Messages from the House

Senator Coiner was recorded present at this order of business.

February 7, 2008

Mr. President:

I transmit herewith **H 422** which has passed the House.

ALEXANDER, Chief Clerk

**H 422** was filed for first reading.

February 7, 2008

Mr. President:

I transmit herewith Enrolled **H 341, H 343, H 344, H 345,** and **H 346** for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled **H 341, H 343, H 344, H 345,** and **H 346** and ordered them returned to the House.

February 7, 2008

Mr. President:

I return herewith Enrolled **S 1308** and **S 1309** which have been signed by the Speaker.

ALEXANDER, Chief Clerk

Enrolled **S 1308** and **S 1309** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

**S 1387**

#### BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION PROGRAM; AMENDING SECTION 49-2902, IDAHO CODE,

TO PROVIDE THAT AT THE BEGINNING OF EACH STATE FISCAL YEAR THE DIRECTOR OF THE DEPARTMENT OF AGRICULTURE SHALL DESIGNATE ONE OF HIS APPOINTEES TO THE INTERAGENCY WORKING GROUP AS COCHAIRMAN OF THE GROUP, TO MAKE TECHNICAL CORRECTIONS AND TO PROVIDE REFERENCE TO THE DEPARTMENT OF COMMERCE.

**S 1388**

**BY TRANSPORTATION COMMITTEE**

**AN ACT**

RELATING TO THE RURAL ECONOMIC DEVELOPMENT AND INTEGRATED FREIGHT TRANSPORTATION REVOLVING LOAN FUND; AMENDING SECTION 49-2904, IDAHO CODE, TO INCREASE THE MAXIMUM MATCHING GRANT FUND LIMIT FROM TWENTY-FIVE THOUSAND DOLLARS TO ONE HUNDRED THOUSAND DOLLARS AND TO MAKE TECHNICAL CORRECTIONS.

**S 1389**

**BY TRANSPORTATION COMMITTEE**

**AN ACT**

RELATING TO INSPECTION OF MOTOR CARRIERS; AMENDING SECTION 67-2901B, IDAHO CODE, TO PROVIDE THAT INTRASTATE MOTOR CARRIERS TRANSPORTING WET CONCRETE ARE SUBJECT TO COMPLIANCE REVIEWS AND SAFETY INSPECTIONS; AND PROVIDING AN EFFECTIVE DATE.

**S 1390**

**BY TRANSPORTATION COMMITTEE**

**AN ACT**

RELATING TO SPECIAL PILOT PROJECT ROUTES FOR CERTAIN MOTOR CARRIERS; AMENDING SECTION 49-1004, IDAHO CODE, TO UPDATE THE DESCRIPTIONS OF PILOT PROJECT ROUTES DESIGNATED FOR PERMITTED USE BY MOTOR CARRIERS WITH A MAXIMUM GROSS WEIGHT NOT EXCEEDING ONE HUNDRED TWENTY-NINE THOUSAND POUNDS.

**S 1391**

**BY AGRICULTURAL AFFAIRS COMMITTEE**

**AN ACT**

RELATING TO DOMESTIC CERVIDAE; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3710, IDAHO CODE, TO DECLARE A PURPOSE; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3711, IDAHO CODE, TO PROVIDE FOR THE DOMESTIC CERVIDAE COUNCIL; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3712, IDAHO CODE, TO PROVIDE FOR QUALIFICATIONS OF COUNCIL MEMBERS AND TO PROVIDE FOR REMOVAL OF MEMBERS; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3713, IDAHO CODE, TO PROVIDE FOR TERMS OF MEMBERS AND TO PROVIDE FOR VACANCIES; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3714, IDAHO CODE, TO PROVIDE FOR COUNCIL OFFICERS, TO PROVIDE FOR MEETINGS AND TO PROVIDE FOR COMPENSATION; AMENDING CHAPTER 37, TITLE 25,

IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3715, IDAHO CODE, TO DEFINE TERMS; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3716, IDAHO CODE, TO PROVIDE FOR THE DUTIES, AUTHORITIES AND POWERS OF THE COUNCIL; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3717, IDAHO CODE, TO PROVIDE FOR ASSESSMENTS; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3718, IDAHO CODE, TO PROVIDE FOR THE DEPOSIT AND DISBURSEMENT OF FUNDS AND TO AUTHORIZE THE STATE TO AUDIT FUNDS AT ANY TIME; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3719, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE BONDED, TO PROVIDE FOR RECORDS AND TO PROVIDE FOR ANNUAL AUDITS; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3720, IDAHO CODE, TO PROVIDE THAT FAILURE OR REFUSAL TO PAY ASSESSMENTS SHALL CONSTITUTE A MISDEMEANOR; AMENDING CHAPTER 37, TITLE 25, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 25-3721, IDAHO CODE, TO PROVIDE THAT DESIGNATED PROVISIONS SHALL BE KNOWN AS THE DOMESTIC CERVIDAE PROMOTION ASSESSMENT ACT; AND AMENDING SECTION 25-3701, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY.

**S 1392**

**BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

**AN ACT**

RELATING TO LIENS AND FORECLOSURES; AMENDING TITLE 45, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 16, TITLE 45, IDAHO CODE, TO PROVIDE LEGISLATIVE FINDINGS, TO PROVIDE FOR CERTAIN CONTRACTS IN WRITING, TO PROVIDE FOR NOTICE RELATING TO MORTGAGE FORECLOSURE, TO PROVIDE FOR RIGHT OF CONTRACT RESCISSION AND TO PROVIDE PENALTIES; AND AMENDING SECTION 45-1505, IDAHO CODE, TO PROVIDE FOR NOTICE RELATING TO MORTGAGE FORECLOSURE.

**S 1393**

**BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

**AN ACT**

RELATING TO LABOR; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 27, TITLE 44, IDAHO CODE, TO PROVIDE FOR AGREEMENTS AND COVENANTS TO PROTECT EMPLOYERS' LEGITIMATE BUSINESS INTERESTS, TO DEFINE TERMS, TO PROVIDE THAT A COURT MAY LIMIT OR MODIFY CERTAIN AGREEMENTS AND TO PROVIDE FOR ENFORCEMENT, TO PROVIDE THAT CERTAIN RESTRICTIONS OF DIRECT COMPETITION SHALL NOT EXCEED A SPECIFIED PERIOD OF TIME AND TO PROVIDE REBUTTABLE PRESUMPTIONS.

**S 1394**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

AN ACT

RELATING TO INSURANCE; AMENDING SECTIONS 41-2210 AND 41-3216, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS; AMENDING SECTION 41-3436, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN CONTRACTS AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING SECTIONS 41-4023 AND 41-4124, IDAHO CODE, TO PROVIDE THAT CERTAIN PERSONS SHALL BE PERMITTED TO REMAIN ON CERTAIN PLANS.

**S 1395**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

AN ACT

RELATING TO THE IDAHO INDIVIDUAL HIGH RISK REINSURANCE POOL; AMENDING SECTION 41-5501, IDAHO CODE, TO REVISE DEFINITIONS; AND AMENDING SECTION 41-5510, IDAHO CODE, TO PROVIDE CORRECT TERMINOLOGY, TO PROVIDE FOR COVERAGE FOR CERTAIN ELIGIBLE PERSONS AND TO PROVIDE FOR EXCEPTIONS.

**S 1396**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

AN ACT

RELATING TO THE IDAHO BUILDING CODE BOARD; AMENDING SECTION 39-4107, IDAHO CODE, TO PROVIDE THE IDAHO BUILDING CODE BOARD THE AUTHORITY TO AMEND SPECIFIED CODES; AND AMENDING SECTION 39-4109, IDAHO CODE, TO REVISE CERTAIN REFERENCED CODE REVISIONS.

**S 1397**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

AN ACT

RELATING TO PUBLIC ADJUSTING; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 58, TITLE 41, IDAHO CODE, TO PROVIDE FOR PURPOSE AND SCOPE, TO DEFINE TERMS, TO REQUIRE A LICENSE, TO PROVIDE FOR EXCEPTIONS TO LICENSING, TO PROVIDE FOR APPLICATION FOR LICENSE, TO PROVIDE FOR LICENSE QUALIFICATIONS, TO PROVIDE FOR EXAMINATION, TO PROVIDE FOR EXEMPTIONS FROM EXAMINATION, TO PROVIDE FOR NONRESIDENT LICENSE RECIPROCITY, TO PROVIDE FOR LICENSE, TO PROVIDE FOR LICENSE DENIAL, NONRENEWAL OR REVOCATION, TO REQUIRE BOND OR LETTER OF CREDIT, TO REQUIRE CONTINUING EDUCATION, TO PROVIDE LIMITATIONS OF FEES PAID BY PUBLIC ADJUSTER, TO PROVIDE FOR CONTRACTS BETWEEN PUBLIC ADJUSTERS AND INSURED, TO PROVIDE FOR ESCROW OR TRUST ACCOUNTS, TO PROVIDE FOR

RECORD RETENTION, TO PROVIDE STANDARDS OF CONDUCT OF PUBLIC ADJUSTER, TO PROVIDE FOR REPORTING OF ACTIONS, TO GRANT AUTHORITY TO PROMULGATE RULES AND TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR AN EFFECTIVE DATE WITH A CONTINGENCY.

**S 1398**  
**BY HEALTH AND WELFARE COMMITTEE**

AN ACT

RELATING TO CIGARETTES; AMENDING TITLE 39, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 39, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROVIDE FOR CIGARETTE TEST METHOD AND PERFORMANCE STANDARDS, TO PROVIDE FOR REPORTING, TO PROVIDE FOR A MANUFACTURER'S CERTIFICATION, TO PROVIDE FOR A CERTIFICATION FEE, TO PROVIDE FOR THE REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT ENFORCEMENT FUND, TO PROVIDE FOR RETESTING OF ALTERED CIGARETTES, TO PROVIDE FOR MARKING OF CIGARETTE PACKAGING, TO PROVIDE FOR PENALTIES AND ENFORCEMENT, TO PROVIDE RULEMAKING AUTHORITY, TO PROVIDE FOR INSPECTION, TO PROVIDE FOR THE REDUCED CIGARETTE IGNITION PROPENSITY AND FIREFIGHTER PROTECTION ACT FUND, TO PROVIDE FOR MANUFACTURING AND SALE OF CIGARETTES OUTSIDE OF THE STATE AND TO PROVIDE FOR FEDERAL PREEMPTION; PROVIDING FOR LOCAL REGULATION; AND PROVIDING EFFECTIVE DATES.

**S 1399**  
**BY COMMERCE AND HUMAN RESOURCES**  
**COMMITTEE**

AN ACT

RELATING TO PROPERTY; AMENDING CHAPTER 1, TITLE 55, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 55-115, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE PROVISIONS GOVERNING A HOMEOWNERS' ASSOCIATION AND MEETINGS OF THE BOARD OF DIRECTORS OF THE HOMEOWNERS' ASSOCIATION AND TO PROVIDE APPLICATION.

**S 1400**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**

AN ACT

RELATING TO TRANSFER OF REAL PROPERTY; AMENDING CHAPTER 3, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-307A, IDAHO CODE, TO PROVIDE A STATEMENT OF INTENT, TO PROVIDE DEFINITIONS, TO PROVIDE FOR A REPORT OF TRANSFERS AND CHANGE IN OWNERSHIP RECORDS, TO PROVIDE FOR A PROPERTY TRANSFER CERTIFICATE, TO PROVIDE FOR EXEMPTIONS FROM DISCLOSURE OF VALUE, TO PROHIBIT DISCLOSURE OF INFORMATION AND TO PROVIDE PENALTIES; AND AMENDING SECTION 9-340D, IDAHO CODE, TO MAKE TECHNICAL CORRECTIONS AND TO EXEMPT FROM DISCLOSURE PROPERTY TRANSFER CERTIFICATES.

**S 1401**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**

AN ACT

RELATING TO REAL ESTATE LICENSE LAW; AMENDING SECTION 54-2083, IDAHO CODE, TO REVISE DEFINITIONS.

**S 1402**  
**BY LOCAL GOVERNMENT AND TAXATION**  
**COMMITTEE**

AN ACT

RELATING TO THE LOCAL PLANNING ACT; AMENDING SECTION 67-6529, IDAHO CODE, TO PROVIDE THAT AFFECTED PERSONS MAY COMMENT ON PROPOSED CONFINED ANIMAL FEEDING OPERATIONS AND TO DELETE MILEAGE LIMITATIONS FOR MEMBERS OF THE PUBLIC TO COMMENT.

**S 1403**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO PUBLIC CHARTER SCHOOLS; AMENDING SECTION 33-5205, IDAHO CODE, TO REQUIRE DOCUMENTATION OF DUE DILIGENCE UPON REFERRAL OF A CHARTER SCHOOL PETITION TO THE PUBLIC CHARTER SCHOOL COMMISSION BY A LOCAL BOARD OF TRUSTEES.

**S 1404**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; AMENDING SECTION 33-201, IDAHO CODE, TO REVISE A DEFINITION, TO PROVIDE WHEN AGE FOUR YEARS IS DEEMED ATTAINED, TO PROVIDE THAT A CHILD WHO HAS COMPLETED A PRIVATE IN-STATE KINDERGARTEN FOR THE REQUIRED NUMBER OF HOURS BUT HAS NOT REACHED THE SCHOOL AGE REQUIREMENT SHALL BE ALLOWED TO ENTER THE FIRST GRADE, TO PROVIDE FOR CLARIFYING LANGUAGE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-512, IDAHO CODE, TO PROVIDE FOR THE OPERATION AND MAINTENANCE OF A PREKINDERGARTEN PROGRAM UPON THE MAJORITY VOTE OF SCHOOL DISTRICT ELECTORS AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING CHAPTER 8, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-806, IDAHO CODE, TO PROVIDE FOR A PREKINDERGARTEN LEVY.

**S 1405**  
**BY EDUCATION COMMITTEE**

AN ACT

RELATING TO SCHOOL DISTRICT REAL AND PERSONAL PROPERTY; AMENDING SECTION 33-601, IDAHO CODE, TO PROVIDE FOR THE TRANSFER OR CONVEYANCE OF ANY REAL OR PERSONAL PROPERTY OWNED BY A SCHOOL DISTRICT TO ANY PUBLIC CHARTER SCHOOL; AND DECLARING AN EMERGENCY.

**S 1406**  
**BY EDUCATION COMMITTEE**  
**AN ACT**

RELATING TO EARLY CHILDHOOD DEVELOPMENT AND EDUCATION; AMENDING TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 57, TITLE 33, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE FINDINGS, TO DEFINE TERMS, TO PERMIT COMMUNITY-BASED PREKINDERGARTEN PROGRAMS, TO PROVIDE FOR ESTABLISHMENT, COMPOSITION AND RESPONSIBILITIES OF PREKINDERGARTEN COUNCILS, TO PROVIDE FOR PREKINDERGARTEN PLANS, TO PROVIDE FOR PREKINDERGARTEN PROGRAMS, TO PROVIDE FOR RULEMAKING AUTHORITY, TO PROVIDE FOR PREKINDERGARTEN ASSESSMENT, TO PROVIDE FOR PILOT PREKINDERGARTEN PROGRAMS, AND TO PROVIDE FOR THE PREKINDERGARTEN FUND; AND AMENDING SECTION 63-2520, IDAHO CODE, TO REMOVE A PROVISION PROVIDING FOR DISTRIBUTION OF MONEYS TO THE ECONOMIC RECOVERY RESERVE FUND, TO PROVIDE FOR DISTRIBUTION OF MONEYS TO THE PREKINDERGARTEN FUND AND TO PROVIDE CORRECT TERMINOLOGY.

**S 1407**  
**BY EDUCATION COMMITTEE**  
**AN ACT**

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO PROVIDE FOR ADDITIONAL SCHOLARSHIP ELIGIBILITY, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS.

**S 1408**  
**BY EDUCATION COMMITTEE**  
**AN ACT**

RELATING TO REGULATION OF PROPRIETARY SCHOOLS; AMENDING SECTION 33-107, IDAHO CODE, TO REVISE GENERAL POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION; AMENDING SECTION 33-2401, IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 33-2402, IDAHO CODE, TO REVISE REGISTRATION REQUIREMENTS OF POSTSECONDARY EDUCATIONAL INSTITUTIONS; AMENDING CHAPTER 24, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-2403, IDAHO CODE, TO PROVIDE FOR REGISTRATION OF DEGREE GRANTING PROPRIETARY SCHOOLS; AMENDING SECTION 33-2403, IDAHO CODE, TO REDESIGNATE THE SECTION AND TO REVISE REGISTRATION REQUIREMENTS OF PROPRIETARY SCHOOLS; AMENDING SECTION 33-2404, IDAHO CODE, TO REDESIGNATE THE SECTION, TO PROVIDE FOR AN AGENT'S CERTIFICATE OF IDENTIFICATION AND TO PROVIDE REQUIREMENTS FOR THE CERTIFICATE OF IDENTIFICATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-2405, IDAHO CODE, TO REDESIGNATE THE SECTION, TO DELETE REFERENCE TO THE WORD PROPRIETARY AND TO REVISE THE PURCHASE STATEMENT; REPEALING SECTION 33-2406, IDAHO CODE, RELATING TO A SURETY BOND; AMENDING SECTION 33-2407, IDAHO CODE, TO REVISE REQUIREMENTS FOR AND CONDITIONS FOR RECOVERY FROM THE STUDENT TUITION RECOVERY ACCOUNT; AND AMENDING SECTION 33-2408, IDAHO CODE, TO REVISE ASSESSMENT MECHANISMS FOR THE STUDENT TUITION RECOVERY ACCOUNT.

**S 1409**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC SCHOOL EDUCATIONAL SUPPORT PROGRAM; PROVIDING LEGISLATIVE INTENT; AMENDING SECTION 33-1002, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE SCHOOL ELEMENTARY AND SECONDARY SUPPORT UNITS AND COMPUTATION OF ALTERNATIVE ELEMENTARY AND SECONDARY SUPPORT UNITS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 33-1002C, IDAHO CODE, TO PROVIDE FOR ALTERNATIVE ELEMENTARY AND SECONDARY SUMMER SCHOOL PROGRAMS AND TO PROVIDE FOR CALCULATION FOR THE ALTERNATIVE SCHOOL ELEMENTARY AND SECONDARY SUPPORT UNITS; AND AMENDING SECTION 33-1002F, IDAHO CODE, TO PROVIDE FOR A REPORT DETAILING ALTERNATIVE ELEMENTARY AND SECONDARY SCHOOL PROGRAMS BY THE DEPARTMENT OF EDUCATION AND TO PROVIDE THAT EACH SCHOOL DISTRICT RECEIVING MONEYS PURSUANT TO THE ALTERNATIVE SCHOOL ELEMENTARY AND SECONDARY SUPPORT UNITS FACTOR SHALL FILE A REPORT.

**S 1410**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO THE PUBLIC SCHOOL FOUNDATION PROGRAM; AMENDING SECTION 33-1004A, IDAHO CODE, TO REVISE A REQUIREMENT USED IN DETERMINING THE EXPERIENCE FACTOR OF THE EXPERIENCE AND EDUCATION MULTIPLIER; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**S 1411**  
**BY EDUCATION COMMITTEE**  
 AN ACT

RELATING TO DRIVER TRAINING COURSES; AMENDING SECTION 33-1702, IDAHO CODE, TO REMOVE PROVISIONS ALLOWING FOR SIMULATED DRIVING PRACTICE IN LIEU OF ACTUAL DRIVING PRACTICE; AND AMENDING SECTION 33-1706, IDAHO CODE, TO REQUIRE THE TIMELY SUBMISSION OF EACH DRIVER TRAINING COURSE REPORT WITHIN THE TIME LIMIT SPECIFIED AND TO MAKE A TECHNICAL CORRECTION.

**S 1412**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY; PROVIDING LEGISLATIVE INTENT; AMENDING CHAPTER 3, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-356, IDAHO CODE, TO REQUIRE USE OF INTEGRATED DESIGN PRACTICES AND FUNDAMENTAL COMMISSIONING FOR DESIGN AND CONSTRUCTION OF NEW SCHOOL BUILDINGS, TO PROVIDE FOR PAYMENT OF FUNDAMENTAL COMMISSIONING COSTS, TO PROVIDE DUTIES, RESPONSIBILITIES AND RULEMAKING AUTHORITY FOR THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY AND TO DEFINE TERMS; AMENDING SECTION 33-906, IDAHO CODE, TO PROVIDE PAYMENTS TO

QUALIFYING SCHOOL DISTRICTS FOR FUNDAMENTAL COMMISSIONING COSTS FROM BOND LEVY EQUALIZATION SUPPORT PROGRAM FUNDS AND TO PROVIDE FOR ADJUSTMENT OF APPORTIONMENTS MADE PURSUANT TO THE SECTION; AND AMENDING SECTION 39-4113, IDAHO CODE, TO REQUIRE SCHOOL BUILDING PLANS SUBMITTED FOR REVIEW BY THE DIVISION OF BUILDING SAFETY TO INCLUDE PROVISIONS FOR INCORPORATING INTEGRATED DESIGN AND FUNDAMENTAL COMMISSIONING, TO PROVIDE THAT PLANS SHALL BE REVIEWED FOR COMPLIANCE WITH RULES PROMULGATED BY THE ADMINISTRATOR OF THE DIVISION OF BUILDING SAFETY RELATING TO SCHOOL BUILDING DESIGN AND ENERGY EFFICIENCY AND TO MAKE TECHNICAL CORRECTIONS.

**S 1413**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO LIQUOR LICENSES; AMENDING SECTION 23-903, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE ISSUANCE OF LICENSES TO OWNERS, OPERATORS AND LESSEES OF CERTAIN FOOD, CONFERENCE AND LODGING FACILITIES.

**S 1414**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1325, IDAHO CODE, TO PROVIDE AN EXCEPTION TO A PROHIBITION FOR CERTAIN PERSONS HAVING ANY FINANCIAL INTEREST IN ANY LICENSED RETAILER OR OWNING OR CONTROLLING ANY REAL PROPERTY UPON WHICH A LICENSED RETAILER CONDUCTS BUSINESS; AND DECLARING AN EMERGENCY.

**S 1415**  
**BY STATE AFFAIRS COMMITTEE**  
 AN ACT

RELATING TO COUNTY OPTION KITCHEN AND TABLE WINE ACT; AMENDING SECTION 23-1303, IDAHO CODE, TO ALPHABETIZE TERMS AND TO REVISE DEFINITIONS; AND DECLARING AN EMERGENCY.

**S 1387, S 1388, S 1389, S 1390, S 1391, S 1392, S 1393, S 1394, S 1395, S 1396, S 1397, S 1398, S 1399, S 1400, S 1401, S 1402, S 1403, S 1404, S 1405, S 1406, S 1407, S 1408, S 1409, S 1410, S 1411, S 1412, S 1413, S 1414, and S 1415** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 422**, by Environment, Energy, and Technology Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

**Second Reading of Bills**

Senator Pearce was recorded present at this order of business.

**S 1355**, **S 1356**, and **S 1372**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**S 1363**, by Health and Welfare Committee, was read the second time at length and filed for third reading.

**H 359**, by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

**Third Reading of Bills**

On request by Senator Little, granted by unanimous consent, **H 355**, having been held, and **S 1325** retained their place on the Third Reading Calendar for one legislative day.

**S 1326** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1326** passed, title was approved, and the bill ordered transmitted to the House.

**S 1327** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Richardson arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1327** passed, title was approved, and the bill ordered transmitted to the House.

**S 1328** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1328** passed, title was approved, and the bill ordered transmitted to the House.

**S 1331** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Burkett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bastian, Bilyeu, Broadsword, Burkett, Coiner, Corder, Darrington, Gannon, Hammond, Hill, Kelly, Keough, Langhorst, Little, Lodge, McKague, Richardson, Sagness (Malepeai), Schroeder, Stegner, Stennett, Werk. Total - 23.

NAYS--Bair, Cameron, Fulcher, Geddes, Goedde, Heinrich, McGee, McKenzie, Pearce, Siddoway. Total - 10.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1331** passed, title was approved, and the bill ordered transmitted to the House.

**S 1333** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1333** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Little, granted by unanimous consent, **S 1334** retained its place on the Third Reading Calendar for one legislative day.

**S 1335** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Darrington arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bair, Bastian, Bilyeu, Broadsword, Burkett, Cameron, Coiner, Corder, Darrington, Fulcher, Gannon, Geddes, Goedde, Hammond, Heinrich, Hill, Kelly, Keough, Langhorst, Little, Lodge, McGee, McKague, McKenzie, Pearce, Richardson, Sagness (Malepeai), Schroeder, Siddoway, Stegner, Stennett, Werk. Total - 33.

NAYS--None.

Absent and excused--Davis, Jorgenson. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared **S 1335** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Stegner, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:08 p.m. until the hour of 10:30 a.m., Monday, February 11, 2008.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary